

REMARKS

This Response is submitted in reply to the Office Action dated January 20, 2010. Claims 29 to 35 and 62 are pending in the present application. Claims 1 to 18, 21 to 28, and 41 to 60 stand canceled. Claims 19, 20, 36 to 40, 61, and 63 stand withdrawn. Claim 29 is in independent form. Claims 29, 31, 35, and 62 are hereby amended. No new matter has been introduced as a result of the amendments. Entry of the amendments and favorable reconsideration is respectfully requested. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

Applicant notes that the Index of the Claims appears to contain a typographical error, indicating that Claims 19 and 20 are canceled as of January 5, 2010. As indicated in the Response dated December 2, 2009, and also indicated above, Claims 19 and 20 are not canceled, but rather, are withdrawn. Applicant respectfully requests the Examiner to update the Index of the Claims to reflect this correction.

The Office Action rejected claims 29 to 31, 33 to 35 and 62 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0105641 to Lewis ("Lewis") in view of U.S. Patent No. 6,216,227 to Goldstein et al. ("Goldstein"). The Office Action rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Lewis in view of Goldstein and further in view of U.S. Patent No. 6,067,532 to Gebb ("Gebb").

Lewis discloses an electronic ticketing and validation system and method. More specifically, the Abstract of Lewis discloses:

An electronic ticketing and validation system is comprised of a computer capable of accessing the Internet, a computer system capable of being accessed by the computer over the Internet, the computer system for providing a screen to the computer once the computer accesses the computer system with such screen including information relating to the selection of an event, purchasing of a ticket for the event, payment for the ticket, and generating the ticket to be used to gain entrance at the event, and a validation system for validating the ticket to allow entrance into the event. The system is also capable of issuing the ticket in electronic form, in paper form, as a smart card, or as a season pass.

Goldstein discloses multi-venue ticketing using smart cards. More specifically, the Abstract of Goldstein discloses:

A system and methods are provided for storing and validating electronic tickets for multiple venues on a single smart card. In accordance with this present embodiment, an operating system of the smart card includes a Java Virtual Machine and an applet loader key. A shared applet, including a venue loader key, is validated with the applet loader key and is stored on the smart card. One or more venue applets are also stored on the smart card, each with a venue key corresponding to an associated venue. Each venue applet is validated by the applet loader key and the venue loader key. The shared applet is used by the venue applets to interface with ticket loaders and ticket validation devices. Tickets are purchased for events associated with the venue applets and are stored on the smart card in association with the related venue applets. Ticket signatures are authenticated with each venue applet's venue key. A ticket is cancelled after being tendered to gain admittance to an event.

Regarding Claim 29, the Office Action provides an analysis of Lewis on pages 3 to 8 of the Office Action. The Office Action states the following on pages 6 to 7:

(i) assign at least one of the plurality of electronic tickets from the information storage chip to at least one other information storage chip, (Lewis: paragraphs 0027; 0029-0031; Lewis teaches the electronic ticket is structured in a format that allows the handheld device to transmit and receive ticket information to and from the vendor computer system/validation system. The Examiner notes, the claim merely recites the ticket is structured in a format that allows for the ticket to be assigned to another information storage chip. The step of actively performing the assigning step is not positively recited in the claim. Lewis teaches the ticket is structured in a format that allows for assigning the ticket to another information storage chip. Moreover, transmitting assigned electronic ticket information from the information storage chip to the vendor computer system and back to an information storage chip (assigning a ticket) is a duplication of parts. See *In re Harza*, 124 USPQ 378 (CCPA 1960) (Mere duplication of parts has no patentable significance unless new and unexpected result is produced). There is no new or unexpected result produced since the ticket information is simply assigned to an information storage chip). (emphasis added)

Initially, Applicant respectfully submits that Claim 29 does in fact actively perform the assigning, as Claim 29 as amended recites “causing the electronic ticket platform center to: (i) assign at least one of the plurality of electronic tickets from the first information storage chip to at least a second information storage chip other than the first information storage chip”. Applicant respectfully submits that such claim language positively recites the claim elements contrary to the Examiner’s argument, and that such argument is traversed.

Further, Applicant submits that the assigning is not simply a duplication of parts as argued by the Examiner. Specifically, as currently recited, Claim 29 requires that the electronic ticket platform center assigns an electronic ticket, which was written into the first information storage chip, to a second information storage chip different from the first information storage chip. Moreover, *In re Harza* is not analogous to the present claim limitations recited in Claim 29, and the citation provided by the Examiner is not applicable to Claim 29. More specifically, the plus sign of *In re Harza* was merely replaced with ribs, which were a mere duplication of parts, or in other words, the ribs were essentially multiple plus signs. The facts of *In re Harza* are simply not analogous to Claim 29. Accordingly, Applicant respectfully submits that “assign at least one of the plurality of electronic tickets from the first information storage chip to at least a second information storage chip other than the first information storage chip” is not merely a duplication of parts as argued by the Examiner, and that such argument is hereby traversed. In the absence of any pertinent explanation of how *In re Harza* would conceivably be applicable to Claim 29, Applicant respectfully requests that the Examiner withdraw this argument, as it is currently merely a conclusory statement unsupported by any argument, which would not be persuasive even if more fully developed.

The Office Action asserts on pages 7 to 8 that:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Lewis to have included writing electronic ticket information concerning a plurality of electronic tickets for attending the event into the information storage chip as taught by Goldstein for the advantage of providing greater convenience to a customer by storing all tickets to multiple events on one card.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Lewis to have included in response to said at least one of the plurality of electronic tickets being assigned, delete or nullify the at least one ticket from the information storage chip for the advantage of avoiding multiple use of one ticket.

Applicant respectfully disagrees and submits that even if properly combined, unlike the electronic ticket management method of Claim 29, neither of Lewis or Goldstein individually, nor the electronic ticket management method resulting from the combination of Lewis and Goldstein, discloses “causing the electronic ticket platform center to: (i) assign at least one of the

plurality of electronic tickets from the first information storage chip to at least a second information storage chip other than the first information storage chip; and (ii) delete or nullify the at least one of the plurality of electronic tickets from the first information storage chip in response to said at least one of the plurality of electronic tickets being assigned.”

Specifically, as currently recited, Claim 29 requires that the electronic ticket platform center assigns an electronic ticket, which was written into the first information storage chip, to a second information storage chip different from the first information storage chip. The electronic ticket platform center deletes or nullifies the electronic ticket from the first information storage chip in response to the assigning of the electronic ticket to the second information storage chip. Accordingly, electronic ticket information can be safely and reliably distributed or assigned to other information storage chips. On the contrary, with any combination of Lewis and Goldstein, when the information of a plurality of electronic tickets is stored in the first information storage chip, information concerning the rights to possess an electronic ticket cannot be safely assigned to others. If the right to attend an event is to be assigned to others, the assignor and the assignee have to meet at the entrance of the event venue and enter the event venue together. Additionally, because the claimed electronic ticket platform center can delete or nullify the at least one ticket information assigned to the second information storage chip from the first information storage chip, the electronic ticket platform center can prevent invalid duplication of an electronic ticket. The Examiner’s citation to col. 5, lines 38 to 45 of Goldstein does not cure the deficiencies of Lewis, for the stated purpose of “for the advantage of avoiding multiple use of one ticket.” Office Action, page 8. Rather, electronic tickets which are cancelled, deactivated, deleted, or overwritten, after being presented to validation device 106 as disclosed by Goldstein, alone or in combination with Lewis, are not deleted or nullified by the validation device 106 in a second smart card 100, thus, failing to provide the asserted advantage, and failing to provide a motivation to combine Lewis and Goldstein as asserted.

Accordingly, Lewis and/or Goldstein, either alone or in combination provide no disclosure, teaching, or suggestion for an electronic ticket management method including, among other elements, “causing the electronic ticket platform center to: (i) assign at least one of the plurality of electronic tickets from the first information storage chip to at least a second information storage chip other than the first information storage chip; and (ii) delete or nullify

the at least one of the plurality of electronic tickets from the first information storage chip in response to said at least one of the plurality of electronic tickets being assigned.”

Moreover, it would not have been obvious to one of ordinary skill in the art to modify Lewis and Goldstein to result in the electronic ticket management method of Claim 29 without reasonably being construed as improper hindsight reconstruction.

For at least these reasons, it is respectfully submitted that independent Claim 29 is patentably distinguished over Lewis in view of Goldstein and in condition for allowance. Dependent Claims 30 to 35 and 62 depend directly from amended independent Claim 29 and are also allowable for the reasons given with respect to Claim 29 and because of the additional features recited in these claims.

The Office Action rejected Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Lewis in view of Goldstein and further in view of U.S. Patent No. 6,067,532 to Gebb (“Gebb”). Applicant respectfully submits that the patentability of Claim 29 renders this rejection moot.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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